

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MINNESOTA

IN RE:

Cynthia Ann Dezurik,  
Debtor

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Case No. 14-60006  
(Chapter 7)

Erik A. Ahlgren, Trustee,

Plaintiff,

v.

John Raymond Dezurik,  
Defendant.

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Adversary No. \_\_\_\_\_

**COMPLAINT TO SELL CO-OWNED PROPERTY**

Erik A. Ahlgren (Trustee”), the duly appointed and acting Chapter 7 Trustee for the Bankruptcy Estate of Cynthia Ann Dezurik (“Debtor”), files this complaint to sell co-owned property and, in support of this complaint, states as follows:

**PARTIES**

1. The Trustee is the duly qualified and acting Chapter 7 Trustee of the bankruptcy estate of the Debtor.
2. Defendant John Raymond Dezurik is an individual residing at 1917 4<sup>th</sup> Street North, Sartell, MN 56377.

**JURISDICTION AND VENUE**

3. This Court has jurisdiction over this matter pursuant to the provisions of 28 U.S.C. §1334 and 157. This matter constitutes a core proceeding within the meaning of 28 U.S.C. §157(b)(2).

4. Venue is proper in this district pursuant to 28 U.S.C. §1408 and 1409 because the Debtor's Chapter 7 bankruptcy proceeding is pending in this district and the causes asserted herein arise under Title 11 or arise in or are related to a case under Title 11.

### **FACTS**

5. On January 3, 2014, the Debtor filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code.

6. The Trustee is the duly appointed and acting Chapter 7 Trustee of the Debtor's bankruptcy estate.

7. The Debtor and the Defendant each hold a one-half interest in real property located at 7070 Dove Street, Whitebirch Camp Ground, Breezy Point, Crow Wing County, legally described as Lot 10, Block 26, Whitebirch Camping Clusters Section 2, and a 1996 Collins camper (the "Co-Owned Property").

8. The Debtor's interest in the Co-Owned Property is property of the bankruptcy estate pursuant to 11 U.S.C. §541(a).

### **COUNT 1 - SALE OF CO-OWNED PROPERTY 11 U.S.C. §363(h)**

9. The Trustee hereby incorporates all of the foregoing and ensuing allegations as if fully set forth herein at length.

10. Pursuant to 11 U.S.C. §363(h) the Trustee seeks an order authorizing the sale of both the estate's interest and the interest of the Defendant as co-owner in the Co-Owned Property.

11. Partition in kind of the Co-Owned Property among the estate and the co-owner is impracticable. The Co-Owned Property includes a single lot and camper, possession of which may not be readily partitioned.

12. The sale of the estate's undivided interest in such property would realize significantly less for the estate than sale of such property free of the interests of the Defendant as co-owner.

13. The benefit to the estate of a sale of such property free of the interests of the co-owner outweighs the detriment, if any, to the co-owner.

14. The Co-Owned Property is not used for the production, transmission, or distribution, for sale, of electrical energy or of natural or synthetic gas for heat, light or power.

15. The Trustee meets all of the requirements of §363(h) of the Bankruptcy Code to sell the Co-Owned Property.

**COUNT 2- COSTS AND EXPENSES OF SALE 11 U.S.C. §363(j)**

16. The Trustee hereby incorporates all of the foregoing and ensuing allegations as if fully set forth herein.

17. Pursuant to §363(j) of the Bankruptcy Code, the Trustee seeks an order authorizing the Trustee to charge the Defendants with its share of the costs and expenses of selling the Co-Owned Property.

**CONCLUSION**

**WHEREFORE**, the Trustee respectfully requests that he be authorized to sell the Co-Owned Property, including the estate's interest and the interest of all co-owners pursuant to the provisions of 11 U.S.C. §363(h), that he be authorized to charge the co-owner with his share of the costs and expenses of the sale pursuant to the provisions of 11 U.S.C. §363(j) and that Trustee be granted such other and further relief, at law or in equity, to which the Trustee may be justly entitled. Respectfully submitted,

AHLGREN LAW OFFICE, PLLC

Dated: April 22, 2014

By: /e/ Erik A. Ahlgren  
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ATTORNEYS FOR TRUSTEE